

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIE SIMPSON,

Petitioner,

v.

OPINION and ORDER

WISCONSIN DEPARTMENT OF CORRECTIONS,
WISCONSIN SECURE PROGRAM FACILITY,
and GARY BOUGHTON,

23-cv-425-jdp

Respondents.

Petitioner Willie Simpson, appearing pro se, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Simpson contends that his 2000 convictions for sexual assault of a child are invalid and that the Department of Corrections has unlawfully incarcerated him for the past 23 years.

Simpson was previously sanctioned by the United States Court of Appeals for the Seventh Circuit for repeatedly filing frivolous collateral attacks on his 2000 convictions. *See Simpson v. Eckstein*, No. 16-3436 (7th Cir. Mar. 30, 2017). Although the filing bar entered in that sanction order was lifted after Simpson paid a \$1,000 fine, he is still barred from filing yet another habeas petition regarding these convictions unless he gets permission from the court of appeals. *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996) (“A district court must dismiss a second or successive petition, without awaiting any response from the government, unless the court of appeals has given approval for its filing.”). So I will dismiss this case.

Under Rule 11 of the Rules Governing Section 2254 Cases, the court must issue or deny a certificate of appealability when entering a final order adverse to a petitioner. The court

should issue a certificate when “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations and citations omitted). I decline to issue a certificate because no reasonable jurist would debate that the petition qualifies as “second or successive.”

ORDER

IT IS ORDERED that:

1. Willie Simpson’s petition for writ of habeas corpus is DISMISSED for lack of authorization as a second or successive application.
2. Petitioner is DENIED a certificate of appealability. Petitioner may seek a certificate from the court of appeals under Fed. R. App. P. 22.

Entered July 27, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge